

IN THE MATTER OF : BEFORE THE  
BALTIMORE FIRST SEVENTH-DAY : BOARD OF APPEALS  
ADVENTIST CHURCH, : HEARING EXAMINER  
CHESAPEAKE CONFERENCE : BA Case No. 07-007C  
OF SEVENTH-DAY ADVENTISTS

Petitioner

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**DECISION AND ORDER**

On April 16, 2007, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of the Baltimore First Seventh-day Adventist Church, Ellicott City, for a conditional use to expand a religious facility located in an R-20 district ( Residential: Single) by constructing a fellowship hall addition and reconstructing and reconfiguring portions of the sanctuary destroyed by fire in June 2006, filed pursuant to Section 131.N.39 of the Howard County Zoning Regulations (the “Zoning Regulations”).

The Petitioner certified that notice of the hearing was advertised and that the subject property was posted as required by the Howard County Code. I viewed the subject property as required by the Hearing Examiner Rules of Procedure.

Ron Boggess, the church's pastor, Angela Beltram, and Marvel Boggess, testified in support of the petition. No one appeared in opposition to the petition.

**FINDINGS OF FACT**

Based upon the preponderance of evidence presented at the hearing, I find the following facts:

1. The subject property, 3291 St. Johns Lane ("the Property"), is located in the 2<sup>nd</sup> Election District on the east side of St. Johns Lane approximately 1,200 feet north of US 40. The Property is referenced on Tax Map 24, Grid 5, as Parcel 21.

2. The Property is a seven-sided, T-shaped parcel with about 300 frontage feet on St. Johns Lane. It is improved with and L-shaped 12,567 square-foot multi-purpose structure and what was a 5,172 square foot, A-frame sanctuary located about 350 east of St. John's Lane. A 2006 fire destroyed part of the sanctuary. The Property and buildings are accessed from a 30-foot wide asphalt drive on the Property's west side, which leads to a 178-space parking lot in front of the buildings. A driveway to the buildings surrounds the stormwater management pond located to the buildings' east.

A special exception for a religious facility (BA 956-C) was granted to Chapelgate Presbyterian Church on August 14, 1978, with conditions. Site Development Plan 79-58 was approved on May 15, 1979, for a 5,400 square-foot church building on the Property, including a 7,056 square-foot future expansion. A special exception was granted to the Seventh-day Adventist Church on May 30, 1996 (BA 95-70E&V) to establish a child daycare center and private academic school and a variance was granted to reduce the 20-foot setback for school-related storage in an existing structure, with conditions. A change in use permit from Sunday School to Elementary School was issued in 1996. A special exception to expand the school was granted on March 19, 1999, with conditions, the decision and order noting the denial of the childcare center's proposed expansion because the petitioner had not established the use.

Although a Site Development Plan (79-129) for the school's expansion was approved on November 10, 1999, the expansion was apparently never constructed.

3. Vicinal properties include:

(a) To the north are Parcels 1112, 1109, and 1103, and lots 4,5, and 6 of the Gladys Manor subdivision, all of which are also zoned R-20 and improved with a single-family detached dwelling, the closest about 140 feet from the main structure on the Property.

(b) To the south are Lots 1, 5, and 9 of Parcel 42, which are also zoned R-20 and improved by a single-family dwelling, excepting Lot 9, which is designated open space.

(c) To the east is part of Parcel 449, which contains electrical transmission lines and towers, the nearest of which is about 270 feet from the multi-purpose building and about 50 feet from the nearest property line.

(d) To the west, across St. John's Lane, are Parcels 30, 31, and 32, each improved with a single-family detached dwelling, the closest about 500 feet from the multi-purpose building.

4. Roads: St. John's Lane has one travel lane in each direction within a variable width-right-of-way. The posted speed limit is 30 MPH. From the driveway, visibility to the north is good, with about a 1,000-foot sight distance. A road curve limits visibility to the south to about 500 feet. As of February 2005, the traffic volume of St. John's Lane north of US 40 was 6,640 ADT (average daily trips).

5. The Property is served by public water and sewer facilities. Policies Map 2000-2020 of the 2000 General Plan designates the Property as "Residential." Transportation Map 2000-2020 of the 2000 General Plan shows St. John's Lane at this location as a minor collector.

6. The Petitioner proposes to reconstruct and reconfigure that part of the sanctuary destroyed by fire and to construct a fellowship hall addition (which the site development plan denotes as "school addition coverage") to the existing religious facility. Together, the proposed structures will comprise 7,562 square feet, for a total structure area of 25,301 square feet. The fellowship hall will extend about 20 feet east from the former building area. The building height of the proposed construction is 39' 10", measured to the roof's peak.

7. The 178 existing parking spaces, including seven handicapped spaces, are sufficient to meet parking requirements for the entire facility, including the requisite 108 spaces for the religious facility, based on 324 seats and one space per seat, and 20 parking spaces for the 120 students in the proposed school.

8. Ms. Angela Beltram, representing the North St. John's Lane Community Association testified in favor of the proposed use. Mr. Marvel Boggess also stated his support for the proposed use.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, I conclude as follows:

#### **I. General Criteria for Conditional Uses (Section 131.B)**

1. General Plan. The Howard County General Plan designates the area in which the Property is located as a "Residential Area" land use. A religious facility is presumptively considered compatible with residential area land use. The Petitioner's proposed use, an expansion of a long-existing religious facility and a new fellowship hall, comply with all setback requirements. The Property is also located along a minor collector road. Accordingly, the nature and intensity of operation, the size of the Property in relation to the use, and the location of the Property with respect

to streets giving access to the Property are such that the use will be in harmony with the land uses and policies indicated in the General Plan for the district, in accordance with Section 131.B.1.a.

2. The expansion of the sanctuary and the construction of a fellowship hall, in combination with the existing private academic school, are appropriate intensifications of use and scale, given the adequacy of the existing and proposed buffers and setbacks, in accordance with Section 131.B.1.b.

3. Adverse Effect: The Petitioner has met its burden in presenting sufficient evidence to establish this proposed use will not have adverse effects on vicinal properties beyond those ordinarily associated with a religious facility in an R-20 district. The Petitioner's proposed reconstruction of the sanctuary and the construction of a new fellowship hall will not substantially differ from the existing use. The proposed expansion will be buffered by landscaping and sufficiently distant from adjacent properties, dwellings, and roadways. All parking requirements have been met and the parking areas would be landscaped to provide any additional screening the Landscape Manual may require. Any noise, odor, or light generated by the uses will be attenuated by distance and will not be greater than that ordinarily associated with a religious facility. Because the facility is a long-time use on the Property, the existing ingress and egress drive will likely provide adequate access with adequate sight distance. The use will therefore not generate excessive noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions beyond those inherently associated with a religious facility in an R-20 zoning district, as required by Section 131.B.2.

## **II. Specific Criteria for Structures Used Primarily for Religious Activities (Section 131.N.39)**

1. Because the lot coverage is 6.48 percent, as stated in the site development plan, the proposed total structure coverage on the 8.97-acre Property will not exceed 25 percent of the lot area, in accordance with Section 131.N.39.a.

2. The site development plan depicts the proposed building height as 39' 10" to roof peak. The maximum height for principal structures in an R-20 zoning district is 34 feet, but structures used primarily for religious activities may increase in height where the front, side, and rear setbacks are increased one foot for each foot the proposed structure exceeds the height limitation. Thus, the proposed structure must, and does, exceed all setbacks by at least six feet, in accordance with Section 131.N.39.b.<sup>1</sup>

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<sup>1</sup> The technical staff report notes the building height is miscalculated on the site development plan, the actual height being 35 feet, as measured according to Section 103.A.18 of the zoning regulations, which eliminates additional setbacks.

**ORDER**

Based upon the foregoing, it is this **23<sup>rd</sup> day of April 2007**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the petition of Baltimore First Seventh-day Adventist Church for a conditional use to expand a religious facility in an R-20 (Residential: Single) Zoning District, is hereby **GRANTED;**

**Provided, however, that:**

- (1). The conditional use shall be conducted in conformance with and shall apply only to the religious facility and uses described in the petition and depicted on the site development plan submitted on March 5, 2007, and not to any other activities, uses, or structures on the Property.
- (2). The Petitioner shall comply with all applicable federal, state, and county laws and regulations.

**HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER**

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Michele L. LeFaivre

**Date Mailed:** \_\_\_\_\_

**Notice:** A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.